

carried out to ensure complete knowledge in all areas. The U.S. SST will not be approved for production until these environmental committees are satisfied."

The recent breakthrough in noise reduction, due to improved engine characteristics, better aircraft aerodynamics and advanced suppression technology, "gives me great confidence that the production SST will comply with the same noise regulations as future subsonic jets."

The program is essentially on schedule and within cost. "However we are now faced with crucial options, depending on our allotted funding for this year and next. I believe the urgency of this program (requires) that we press for the \$290-million amount for 1971....With this amount we can move ahead with a strong program."

**Henry S. Reuss (D Wis.):**

"I urge that federal financial support for the SST be ended...for the following reasons:"

- Continued federal financing of a luxury commercial aircraft will establish a precedent which could haunt the federal government in years to come.
- An end to federal financing would not kill the American SST, but would simply delay it.
- The adverse consequences of such a delay have been exaggerated, since foreign SSTs are not as formidable a competitive threat as has been claimed.
- A delay would permit the SST program to be financed by private money in response to true market demand, and would allow time for the resolution of environmental problems and uncertainties.

**William D. Ruckelshaus**, director, Environmental Protection Agency:

The key issue in continuing development of two experimental SSTs is economics. "It appears most of the environmental questions can be answered without the two prototypes...but the prototypes can answer them better."

Technological projects can be stopped if continuation is found to be environmentally unsound. In the past, the momentum of large-scale programs has had a way of ensuring the perpetuation of those programs regardless of their merit.

"If we subscribe to the inevitability of history being repetitive, then the momentum argument is unassailable. I do not so subscribe."

**March 3**

**Dr. S. Fred Singer**, chairman, SST environmental advisory committee, Department of Transportation:

There is no question that many human activities are affecting the environment, are changing the atmosphere and are putting out pollutants that are spread throughout the world. There is no question that the SST is going to release some pollutants into the atmosphere, but it is doubtful whether they will be of any significance.

"I believe that the question of whether we should or should not have an SST must be decided on the basis of economics and national priorities, with the environmental effects having a very small weight indeed. If the SST is going to be turned down, let's be sure that it is turned down for the right reasons."

**Dr. William W. Kellogg**, associate director, National Center for Atmospheric Research:

"I have found no environmental basis for delaying the government's SST program. The best estimate we have today regarding the climatic aspects of large-scale SST operations indicates that the effects will be generally imperceptible and trivial when compared to the changes we experience from natural causes."

The conclusions now available regarding the climatic impact of the operation of 500 SSTs are:

- There will be a global increase in stratospheric water vapor of about 10 percent, somewhat more in regions of heavy flight activity.

This increase will have a quite negligible influence on the heat balance of the global atmosphere.

- It will only cause increased cloudiness at SST altitudes in the polar wintertime, if at all.
- Carbon dioxide increase will be negligible and will cause no special problem.
- The added water vapor will decrease the total ozone in the atmosphere by one or two percent, and "this is trivial" compared to the natural fluctuations of ozone. The same can be said of the corresponding changes in ultraviolet radiation reaching the ground.

**Dr. Leo L. Beranek**, chairman, SST community noise advisory committee, Department of Transportation:

There does not appear to be any technical reasons why a commercial supersonic transport cannot be built which will be acceptable with regard to noise. The airlines are presently evaluating two SST configurations which can meet noise standards.

**Floyd E. Smith**, international president, International Association of Machinists and Aerospace Workers:

"If we do not build an American SST, we will: Eliminate 50,000 jobs directly, and at least 100,000 jobs indirectly; reduce the nation's tax sources and add to it its welfare and unemployment compensation rolls; allow a technological gap that will reduce our ability to create more jobs, and better jobs, for our citizens in the decades ahead.

**Karl G. Harr Jr.**, president, Aerospace Industries Association of America Inc.:

The SST program is of such vital importance, not only to the entire aerospace industry but also to the technological leadership and economic health of the nation, that the industry's membership considers it a top priority. ✓

## WAR-MAKING POWERS

The Senate Foreign Relations Committee held hearings March 8 and 9 on S 731, S J Res 18 and S J Res 59, defining the war-making powers of the President.

**References.** 91st Congress action, 1970 Weekly Report p. 2817; National Commitments Resolution, 1969 Almanac p. 178.

**Testimony March 8**

**Henry Steele Commager**, professor of history at Amherst College:

"This is not the first time this committee has considered proposals of this nature, proposals designed to reassert and vindicate the constitutional role of the Senate in war-making and treaty-making powers, and to curb the pretensions of the executive in those areas. Your concern—and that of many Americans—is not hard to understand. Five times in the past 10 years presidents have mounted major military interventions in foreign nations without prior consultation with the Congress: The Bay of Pigs, the invasion of the Dominican Republic, the attacks on North Vietnam, Cambodia, and Laos. None of these now appears to have represented a genuine emergency; none was in response to attacks upon the United States which implacably required immediate military reaction. None therefore appears to meet the requirements for the exercise of war powers by the President formulated by the makers of the Constitution."

Some specific recommendations:

"First, needless to say I endorse Senate 85 which the Senate adopted in June 1969 by an overwhelming majority, but which has so far been ineffective, and the proposed Senate 731.

"Second, I suggest that the Senate meet the argument of emergency, hypothetical as it is, by creating a permanent

committee, a quorum of whose members would remain permanently in Washington, with authority to require that the President consult with the Senate or the Congress before taking any action that might involve the nation in armed conflict....

"Third, I suggest that the Senate create a standing committee to consult with the President on all executive agreements, and with authority to designate those of sufficient importance to require submission to the Senate as treaties.

"Fourth, I suggest that the Congress reinvigorate the power of the purse...."

### March 9

**Richard B. Morris**, professor of history at Columbia University:

"I am impelled to support this prudent and well-conceived bill, S 731, 'to regulate undeclared wars,' not only by the urgency of Congress's acting promptly to define and delineate the war-making powers under the Constitution, but as an historian of the founding years of the republic I am especially concerned that so awesome a power should not be exercised in derogation of the letter of the Constitution and in contravention of its spirit....

"Indeed, it is a fair inference from the debates on ratification and from the learned analysis offered by the Federalist papers that the war-making power of the President was little more than the power to defend against imminent invasion when Congress was not in session....

"If John Adams were here today I am confident that he would give his wholehearted support to the proposed bill S 731....No one today can presume to speak for the Founding Fathers on this grave issue, but to a lifelong student of the early days of the republic the proposed bill, considered in conjunction with Senate Resolution 85 of the 91st Congress, first session, defining 'national commitments,' is calculated to provide those safeguards for the exercise of war-making intended by the drafters and ratifiers of the Constitution without hampering the President in his capacity as commander in chief to act in defense of national security...."

**Alfred H. Kelly**, professor of history at Wayne State University:

"It would be too much to label the various senatorial and congressional resolutions since 1950 which represent attempts to recoup the congressional discretion in the war declaratory power as exercises in futility, but they certainly have not succeeded to any important degree in restoring the constitutional balance which existed in the matter before that time....

"...And while the Tonkin Gulf Resolution of August 1964 represented a certain recognition of congressional constitutional right, its ultimate effect was to weaken rather than to strengthen congressional prerogative, since the President used what amounted in force to nothing like a full declaration of war to mount a full-scale war in Southeast Asia. And as for the National Commitments Resolution of June 1969 declaring it to be the sense of the Senate that no further overseas military commitments be undertaken without the consent of Congress, not only is it in force disturbingly like the abortive Senate Resolution of 1950, to the same general end but also it has had so far no perceptible effect upon the executive-legislative constitutional balance with respect to war-peace decisions....

"A measure which does no more than give the Executive pause in such situations will have, justified itself. In any event, the Javits bill (S 731) expresses a belief which seems to me to be cherished rather widely by the American people today, regardless of any immediate opinions they may entertain about the present situation in Vietnam: that the exigencies of modern technology, diplomacy, and power have distorted rather too much the constitutional balance between Congress and the Executive with respect to those fateful decisions involving peace and war. In its attempt to correct that imbalance, the Javits bill is at least a beginning.

## HIGHER EDUCATION

**Senate and House subcommittees held hearings March 3-4 on various proposals for programs of aid to higher education.**

### SENATE

The Senate Labor and Public Welfare Subcommittee on Education began hearings March 3-4 on S 659 and various other proposals for aid to higher education.

**Reference.** *On the issues, Weekly Report p. 530.*

### Testimony March 3

**Elliot Richardson**, Secretary of Health, Education and Welfare (HEW):

"We are proposing nothing less than an assured level of basic federal support for every student from a low-income family who is qualified to enter college.

"It has been charged that our proposal ignores the problems faced by middle-income families in putting their children through college." But, under the Administration bill:

- A family with \$12,000 income and three children in college could receive almost \$1,000 per child in basic grants and loans.

- Children from large families with over \$15,000 income often would be eligible for up to \$1,500 per student in subsidized cost-of-education loans.

- Each child from a family with only two children, both in college, and with medical expenses of \$2,400, would be eligible for basic subsidized loans of almost \$400 per student and subsidized cost-of-education loans.

**Sidney P. Marland Jr.**, Commissioner of Education, explained the provisions of the Administration bill, introduced March 4 in the Senate by Winston L. Prouty (R Vt.), ranking minority member of the education subcommittee, as S 1123. (*Details, Weekly Report p. 530*)

**Richardson and Dr. Peter Muirhead**, executive deputy commissioner of education:

The plan of student aid (S 659) proposed by Claiborne Pell (D R.I.), subcommittee chairman, would cost \$7.7-billion in fiscal 1972. Of the total, \$3.7-billion would be used for student aid, including cost-of-instruction grants to colleges and universities.

The Office of Education will furnish comparative figures for the Administration bill and the number of additional students each would enable to attend college.

### Pell:

Has the Administration considered providing federal aid directly to colleges and universities through some type of cost-of-instruction grant?

### Richardson:

"We have no specific thought on this, although we are aware of the problem and feel that it needs more thought. We don't want just to underwrite the *status quo* by such aid."

### March 4

### Richardson:

The proposed National Foundation for Higher Education would provide leadership for basic reform in higher education. It will not operate any existing program but will innovate, stimulate, sponsor and encourage change and experimentation in higher education.

Although in 1970 Mr. Nixon proposed that the foundation be created as an independent agency, he now feels it would best be located within the Department of HEW so that it might have the benefits of full coordination with other major educational programs. Its professional staff would be exempt from civil service requirements and regulations.